

EXHIBIT H

Jonathan Green
April 19, 2012

1

VOLUME: 2
PAGES: 1-97
EXHIBITS: 5-9

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

C.A. NO. 09-11705-NG

JONATHAN GREEN

Plaintiff

V.

CITY OF BOSTON, et al.

Defendants

(Full caption on following page)

DEPOSITION OF JONATHAN GREEN

Thursday, April 19, 2012, 10:20 a.m.

CITY OF BOSTON LAW DEPARTMENT

City Hall, Room 615

Boston, Massachusetts 02201

----- Sonya Lopes, RPR, CSR -----

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2

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 C.A. NO. 09-11705-NG

4
5 JONATHAN GREEN

6 Plaintiff

7 V.

8 CITY OF BOSTON; EDWARD DAVIS, in his

9 capacity as Chief of the Boston

10 Police Dept.; TIMOTHY MCCARTHY,

11 individually and in his official

12 capacity as an Employee, Agent,

13 and/or Officer of the Boston

14 Police Department

15 Defendants

Jonathan Green
April 19, 2012

3

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Jonathan Green
April 19, 2012

4

I N D E X

WITNESS: JONATHAN GREEN

EXAMINATION BY:	PAGE
Ms. Hinkley	5

EXHIBIT	PAGE
Exhibit 5, presentment letter.....	13
Exhibit 6, Hyacinth Juste's statement.....	16
Exhibit 7, Hyacinth Juste's statement.....	19
Exhibit 8, answers to interrogatories.....	30
Exhibit 9, complaint.....	38

*Ms. Hinkley retained exhibits

Jonathan Green
April 19, 2012

73

1 were you going?

2 A. I wasn't going anywhere. I was standing on
3 the sidewalk in front of the store.

4 Q. Why were you standing on the sidewalk?

5 A. Well, I saw him coming out. I stepped off
6 the sidewalk and began to make a phone call into my
7 voice mail. I stepped back onto the sidewalk to
8 organize the stuff that I was having, which was my
9 keys, over-the-shoulder bag, my cell phone. And I
10 had a bottle.

11 Q. Why did you have to organize your stuff?

12 A. Well, because I had it inside -- I had it
13 in my hand all over the place. And I had the bag on
14 my shoulder, and the bag was in front of me instead
15 of behind me.

16 So basically, I was going to open up the
17 bag and drop everything that I had in my hands
18 inside of it. So I stepped back onto the sidewalk
19 instead of standing in the street.

20 Q. So there was nothing in your bag?

21 A. There was clothing in my bag.

22 Q. Why did you have all the stuff in your
23 hands?

24 A. Because I had come from the gym. I had a

Jonathan Green
April 19, 2012

74

1 phone which was in my hand. I had my keys which was
2 in my hand. I had a bottle which was in my hand.

3 Why wouldn't I have it in my hand?

4 Q. I don't know. When you left the store,
5 where were you intending on going?

6 A. When I left the store, again, I walked
7 outside.

8 MR. SPENCER: Where were you intending
9 on going?

10 A. I was intending on going home.

11 Q. And the voice mail that you were checking
12 was to your home line; is that correct?

13 A. It was inside of my cell phone.

14 Q. You were checking your cell phone --

15 A. Voice mail.

16 Q. -- voice mail?

17 A. Yes.

18 Q. On the sidewalk?

19 A. Yes.

20 Q. Were you expecting a call?

21 A. No.

22 Q. Did you have any indication that you had a
23 voice mail?

24 A. I did.

Jonathan Green
April 19, 2012

81

1 Next question.

2 Q. Could you see everyone's hands while you
3 were against the cruiser?

4 A. No.

5 Q. No? Could you see Officer McCarthy's hands
6 at all times against the cruiser?

7 A. No.

8 Q. When you were against the cruiser, which
9 direction were you looking?

10 A. Well, my chest was up against the back door
11 and male officer over here, female officer over
12 here. Basically, over the roof of the cruiser.

13 Q. Were you looking straight --

14 A. Just, sort of --

15 Q. -- over the cruiser?

16 A. -- kind of, around.

17 Q. What does "kind of around" mean?

18 A. Just what was in front of me, what was to
19 my right, what was to my left.

20 Q. What was in front of you?

21 A. Apartment building.

22 Q. And when Officer McCarthy did what you
23 allege he has done, where was everybody's hands?

24 A. The female officer was standing on my left.

Jonathan Green
April 19, 2012

82

1 The male officer was on my right.

2 Q. And where were the female officer's hands
3 at that point?

4 A. I don't know where her hands were.

5 Q. Where were the male officer's hands at that
6 point?

7 A. I don't know where his hands were. I knew
8 where they were standing.

9 Q. At any point against the cruiser, did any
10 of the officers touch your head?

11 A. No.

12 Q. What do you mean -- your last deposition,
13 you testified that you never squared off with any of
14 them, "I never went toe to toe with any of them."
15 What did you mean by that?

16 A. What I mean by that is I was not standing
17 in any threatening position, hands up, face to face
18 with anybody or toe to toe like we're getting ready
19 to get into a brawl or a fight.

20 Q. At any point, did you lay a hand on an
21 officer?

22 A. Never.

23 Q. Never?

24 A. Never.